

From:

wentworth, paul



[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Philadelphia, PA 19103
215-814-2084

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

814 2777

On Dec 19, 2017, at 1:45 PM, Edward Wiener <Edward.Wiener@phila.gov> wrote:

Paul,

PSI asked if we could replace November 2003 NESHAP Implementation Plan with approved NESHAP Implementation Plan so they would have more flexibility. Is that OK? Maybe change it to November 2003 or approved successor NESHAP Implementation Plan?

Edward Wiener

Air Management Services

321 University Avenue

Philadelphia, PA 19104

Phone: (215) 685-9426

Fax: (215) 685-7593

From: wentworth, paul [wentworth.paul@epa.gov]

Sent: Tuesday, December 19, 2017 10:41 AM

To: Edward Wiener; Dennis Yuen; duke, gerallyn

Cc: Mastro, Donna; Maryjoy Ulatowski; Rahel Gebrekidan; Patrick O'Neill

Subject: RE: Settlement Agreement - Philly Ship Yard

Ed: Thanks for clearing that up.

From: Edward Wiener [<mailto:Edward.Wiener@phila.gov>]

Sent: Tuesday, December 19, 2017 9:34 AM

To: wentworth, paul <wentworth.paul@epa.gov>; Dennis Yuen <Dennis.Yuen@phila.gov>; duke, gerallyn <duke.gerallyn@epa.gov>

Cc: Mastro, Donna <Mastro.Donna@epa.gov>; Maryjoy Ulatowski <Maryjoy.Ulatowski@phila.gov>; Rahel Gebrekidan <Rahel.Gebrekidan@phila.gov>; Patrick O'Neill <Patrick.ONeill@Phila.gov>

Subject: RE: Settlement Agreement - Philly Ship Yard

The implementation plan and order are actually talking about determining compliance for different things. The implementation plan is concerned with determining compliance with the MACT VOC coating content limits when thinner is added. The order is concerned with determining compliance with rolling 12-month limits. The condition below doesn't contradict either of them.

34. The Permittee shall monitor and keep records of emissions monthly and shall maintain verification monthly that emissions do not exceed the limitations specified in Condition 2, 3(a)-(e), and 4(a)-(f) per rolling 12-month period.

(a) NOx emissions shall be based on fuel consumption and AP-42 factors. [AMS Plan Approval 02049 and 02135 issued 01/06/03]

(b) The monthly emission calculations used to determine the 12-month rolling emission totals, along with those supporting calculations and underlying emissions data used in those calculations shall be available for review within 31 days of the close of the month. [Administrative Order and Consent Agreement effective 10/7/11]

(c) VOC and HAP emissions from Painting Operations shall be determined using material balance calculations based on material usage and VOC and HAP content. The Permittee shall monitor and record these emissions in accordance with Conditions 9 and 27-33 of this plan approval and the November 2003 NESHAP Implementation Plan.

Edward Wiener

Air Management Services

321 University Avenue

Philadelphia, PA 19104

Phone: (215) 685-9426

Fax: (215) 685-7593

From: wentworth, paul [wentworth.paul@epa.gov]

Sent: Tuesday, December 19, 2017 7:57 AM

To: Dennis Yuen; duke, gerallyn; Edward Wiener

Cc: Mastro, Donna; Maryjoy Ulatowski; Rahel Gebrekidan; Patrick O'Neill
Subject: RE: Settlement Agreement - Philly Ship Yard

Hi Dennis: In response to your concern, I think that this is basically a natural and reasonable progression, stemming from the concern of the facility in avoiding the procedures required when modifying the permit if they needed to change their monitoring procedures of which we originally wanted in or referenced by the permit. As it stands, the monitoring language proposed by Ed, of which we concur, is much more concise and clearer, we believe, and we also believe we have addressed the facility's concern. Regarding the order, I think we have simply shone a light on the inconsistencies between the 2011 order and the original implementation plan dated 2003. I think that's where things stand from our view.

From: Dennis Yuen [<mailto:Dennis.Yuen@phila.gov>]

Sent: Monday, December 18, 2017 6:14 PM

To: duke, gerallyn <duke.gerallyn@epa.gov>; Edward Wiener <Edward.Wiener@phila.gov>; wentworth, paul <wentworth.paul@epa.gov>

Cc: Mastro, Donna <Mastro.Donna@epa.gov>; Maryjoy Ulatowski <Maryjoy.Ulatowski@phila.gov>; Rahel Gebrekidan <Rahel.Gebrekidan@phila.gov>; Patrick O'Neill <Patrick.ONeill@Phila.gov>

Subject: RE: Settlement Agreement - Philly Ship Yard

In order to avoid any confusion here, note that the requirement in question from 2011 Order was incorporated in PSI's 2012 Title V Permit. See TVOP No. V07-005, Sec. 5(a)(1) (ii) which reads:

"The monthly emission calculations used to determine the 12 month rolling emission totals, along with those supporting calculations and underlying emissions data used in those calculation shall be available for review within 31 days of the close of the month."

Given this requirement is already in the facility's Title V Permit, I don't understand the need to rehash this provision in the pending Plan Approval.

That aside, I'm now concerned that the items being discussed in these latest round of emails now go beyond the scope of EPA's comments which I've attached for reference.

Dennis Yuen, Deputy City Solicitor
City of Philadelphia Law Dept.
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
Phone: 215-683-5173

-----Original Message-----

From: duke, gerallyn [<mailto:duke.gerallyn@epa.gov>]

Sent: Monday, December 18, 2017 5:31 PM

To: Edward Wiener <Edward.Wiener@phila.gov>; wentworth, paul
<wentworth.paul@epa.gov>

Cc: Mastro, Donna <Mastro.Donna@epa.gov>; Maryjoy Ulatowski
<Maryjoy.Ulatowski@phila.gov>; Rahel Gebrekidan <Rahel.Gebrekidan@phila.gov>;
Patrick O'Neill <Patrick.ONeill@Phila.gov>; Dennis Yuen <Dennis.Yuen@phila.gov>
Subject: RE: Settlement Agreement - Philly Ship Yard

I have not seen the 2011 Order. Someone would need to evaluate whether the date in the Order, if there is one that refers to 31 days, would keep them in compliance with the Order. Likewise, since the Implementation Plan says to "determine compliance" on the 15th of each month for the preceding month, do these two requirements conflict? If they do, how would they be reconciled? When it comes to enforcing any order, legal counsel would need to weigh in.

Thanks.

Gerallyn Duke

Acting Associate Director

Office of Permits and State Programs 3AP10 US EPA Region III

1650 Arch Street

Philadelphia, PA 19103

215-814-2084

-----Original Message-----

From: Edward Wiener [<mailto:Edward.Wiener@phila.gov>]

Sent: Monday, December 18, 2017 5:22 PM

To: wentworth, paul <wentworth.paul@epa.gov>

Cc: duke, gerallyn <duke.gerallyn@epa.gov>; Mastro, Donna
<Mastro.Donna@epa.gov>; Maryjoy Ulatowski <Maryjoy.Ulatowski@phila.gov>; Rahel
Gebrekidan <Rahel.Gebrekidan@phila.gov>; Patrick O'Neill <Patrick.ONeill@Phila.gov>;
Dennis Yuen <Dennis.Yuen@phila.gov>

Subject: RE: Settlement Agreement - Philly Ship Yard

Also, we can change 31 days to 15 days in (b) and get rid of the Administrative Order citation, although I'll have to point that out to PSI..

Edward Wiener

Air Management Services

321 University Avenue

Philadelphia, PA 19104

Phone: (215) 685-9426

Fax: (215) 685-7593

From: Edward Wiener
Sent: Monday, December 18, 2017 5:18 PM
To: wentworth, paul
Cc: duke, gerallyn; Mastro, Donna; Maryjoy Ulatowski; Rahel Gebrekidan; Patrick O'Neill; Dennis Yuen
Subject: RE: Settlement Agreement - Philly Ship Yard

Paul,

Is this OK?

34. The Permittee shall monitor and keep records of emissions monthly and shall maintain verification monthly that emissions do not exceed the limitations specified in Condition 2, 3(a)-(e), and 4(a)-(f) per rolling 12-month period.

(a) NOx emissions shall be based on fuel consumption and AP-42 factors. [AMS Plan Approval 02049 and 02135 issued 01/06/03]

(b) The monthly emission calculations used to determine the 12-month rolling emission totals, along with those supporting calculations and underlying emissions data used in those calculations shall be available for review within 31 days of the close of the month. [Administrative Order and Consent Agreement effective 10/7/11]

(c) VOC and HAP emissions from Painting Operations shall be determined using material balance calculations based on material usage and VOC and HAP content. The Permittee shall monitor and record these emissions in accordance with Conditions 9 and 27-33 of this plan approval and the November 2003 NESHAP Implementation Plan.

Edward Wiener
Air Management Services
321 University Avenue
Philadelphia, PA 19104

Phone: (215) 685-9426
Fax: (215) 685-7593

From: wentworth, paul [wentworth.paul@epa.gov]
Sent: Monday, December 18, 2017 4:59 PM
To: Edward Wiener
Cc: duke, gerallyn; Mastro, Donna
Subject: RE: Settlement Agreement - Philly Ship Yard

Hi Ed: In response to your proposed supplemental language, we have revisited the existing requirements and conclude that to be clear, rather than add the proposed language, AMS should rather ensure that:

Condition Number 34 (which sets forth monitoring and record keeping requirements) cite the monitoring procedures that are set forth in:

- Condition 9 (RACT & LAER) and
- Conditions 27 through 33 (Shipbuilding MACT), as well as
- the DATED MACT Implementation Plan unless AMS believes a revision to that plan is needed.

The Implementation Plan looks ok, but if AMS feels they need a revision they should include a schedule to submit a revised Implementation Plan in the permit.

Also, please note the Implementation Plan on page 10 specifies a schedule whereby they must tally up the VOC usage at the end of each month and by the 15th of the NEXT month, determine compliance.

The fact Sheet should refer to the all4 letter/report and provide a brief discussion

Satisfying the above comments will we believe alleviate our concerns.

Thank you

Paul _____

From: Edward Wiener [Edward.Wiener@phila.gov]

Sent: Monday, December 18, 2017 3:27 PM

To: Mastro, Donna; Patrick ONeill

Cc: wentworth, paul; duke, geraldyn; Talley, David; Rahel Gebrekidan; Bajram Nela; Keith Lemchak; Maryjoy Ulatowski; Dennis Yuen; Maureen Helverson

Subject: RE: Settlement Agreement - Philly Ship Yard

Just catching up on my e-mails. They submitted a MACT implementation plan back in 2003. Only the attached cover letter was scanned. I'll have a clerk search the company file for the full document. It was addressed to EPA, so you may have it.

Edward Wiener

Air Management Services

321 University Avenue

Philadelphia, PA 19104

Phone: (215) 685-9426

Fax: (215) 685-7593

From: Mastro, Donna [Mastro.Donna@epa.gov]

Sent: Friday, December 15, 2017 6:36 PM

To: Patrick O'Neill

Cc: wentworth, paul; duke, geraldyn; Edward Wiener; Talley, David; Rahel Gebrekidan; Bajram Nela; Keith Lemchak; Maryjoy Ulatowski; Dennis Yuen; Maureen Helverson

Subject: Re: Settlement Agreement - Philly Ship Yard

Pat - the implementation plan is a Neshap (Mact) requirement which we believe Shipyard is subject to. If the settlement was only penalty, then that's one thing - if it had conditions - we'd need to consider if they relate to compliance and thus belong in Title V. We can chat Monday

Donna L. Mastro | Associate Regional Counsel | Air Branch Chief | ORC | EPA Region 3
| ph: (215) 814 2777

On Dec 15, 2017, at 6:31 PM, Patrick O'Neill
<Patrick.ONeill@Phila.gov<<mailto:Patrick.ONeill@Phila.gov>>> wrote:

Donna, There was only a simple settlement agreement in this matter because the violation was resolved. They reported it to us by the way. I'm not sure what folks mean my an implementation agreement.

In any event, if EPA still has any concerns we should have conference call w/ Philly Ship including John Slade and their lawyer on Monday in the afternoon. I will be at EPA from at least 10:00 to 12:00 on another matter but sometime in the PM should work. I suggest something like 3:00 or 3:30.

Patrick K. O'Neill Esq.
Divisional Deputy City Solicitor, Environmental Law City of Philadelphia Law Dept.
One Parkway Bldg. 16th Floor
1515 Arch Street
Philadelphia, PA 19102
215-683-5172 (phone)
215-683-5175 (fax)
patrick.o'neill@phila.gov<<mailto:patrick.o'neill@phila.gov>>

From: Maryjoy Ulatowski
Sent: Friday, December 15, 2017 3:08 PM
To: wentworth, paul
Cc: Rahel Gebrekidan; Edward Wiener; Bajram Nela
Subject: RE: Settlement Agreement

Paul,

Per our conversation today, attached is the settlement agreement for PSI.

I believe there was no Consent Decree, just a settlement, but I will check with Ed Wiener Monday. Also I will check for the Implementation Plan.

Maryjoy Ulatowski, Engineering Supervisor

Philadelphia Air Management Services - Source Registration

321 University Avenue

Philadelphia, PA 19104

215-685-9475

From: Edward Wiener
Sent: Thursday, December 14, 2017 4:03 PM
To: wentworth, paul; Mastro, Donna; duke, gerallyn

Cc: Patrick O'Neill; Rahel Gebrekidan; Maryjoy Ulatowski
Subject: RE: Philly Shipyard Call at 3 PM today Paul,

Please make sure you copy Maryjoy and Rahel when you get back to me. I'm off tomorrow, but if we get everything resolved, they will issue the plan approval.

Edward Wiener

Air Management Services

321 University Avenue

Philadelphia, PA 19104

Phone: (215) 685-9426

Fax: (215) 685-7593

From: wentworth, paul [wentworth.paul@epa.gov<<mailto:wentworth.paul@epa.gov>>]
Sent: Thursday, December 14, 2017 9:40 AM
To: Edward Wiener; Mastro, Donna; duke, gerallyn
Cc: Patrick O'Neill; Rahel Gebrekidan; Maryjoy Ulatowski
Subject: RE: Philly Shipyard Call at 3 PM today Thanks Ed. We will review the language and get back to you as soon as we can.

From: Edward Wiener [<mailto:Edward.Wiener@phila.gov>]
Sent: Thursday, December 14, 2017 9:35 AM
To: wentworth, paul <wentworth.paul@epa.gov<<mailto:wentworth.paul@epa.gov>>>; Mastro, Donna <Mastro.Donna@epa.gov<<mailto:Mastro.Donna@epa.gov>>>; duke, gerallyn <duke.gerallyn@epa.gov<<mailto:duke.gerallyn@epa.gov>>>
Cc: Patrick O'Neill <Patrick.O'Neill@Phila.gov<<mailto:Patrick.O'Neill@Phila.gov>>>; Rahel Gebrekidan <Rahel.Gebrekidan@phila.gov<<mailto:Rahel.Gebrekidan@phila.gov>>>; Maryjoy Ulatowski <Maryjoy.Ulatowski@phila.gov<<mailto:Maryjoy.Ulatowski@phila.gov>>>
Subject: RE: Philly Shipyard Call at 3 PM today

Paul and Donna,

PSI proposed some language, which I have incorporated into the condition below.

Please let us know if you have any concerns.

34. The Permittee shall monitor and keep records of emissions monthly and shall maintain verification monthly that emissions do not exceed the limitations specified in Condition 2, 3(a)-(e), and 4(a)-(f) per rolling 12-month period.

(a) NOx emissions shall be based on fuel consumption and AP-42 factors. [AMS Plan Approval 02049 and 02135 issued 01/06/03]

(b) The monthly emission calculations used to determine the 12-month rolling emission totals, along with those supporting calculations and underlying emissions data used in those calculations shall be available for review within 31 days of the close of the month. [Administrative Order and Consent Agreement effective 10/7/11]

(c) VOC and HAP emissions from Painting Operations shall be determined using material balance calculations based on material usage and VOC and HAP content. The Permittee shall monitor and record these emissions as follows:

(i) Per job, Paint Operator or designated alternate will record paint usage, solvent usage, and paint waste. For calculating emissions, paint waste may be subtracted from paint usage to calculate actual paint usage.

(ii) Paint Operator will provide data to Paint Supervisor or designated alternate for quality assurance review.

(iii) Paint Supervisor or designated alternate will provide data to PSI Administration for entry into PSI's SQL database or other appropriate program.

(iv) Paint Supervisor or designated alternate will provide monthly solvent purchase records to HSE Director.

(v) HSE Director or designated alternate verifies all data for preceding calendar month has been entered into SQL database or other appropriate program.

(vi) VOC and VOHAP emissions from P-29A, P-29B, P-29C and P-31 calculated using data from PSI's SQL database or other appropriate program, and from solvent purchase records.

Edward Wiener

Air Management Services

321 University Avenue

Philadelphia, PA 19104

Phone: (215) 685-9426

Fax: (215) 685-7593

From: wentworth, paul [wentworth.paul@epa.gov<<mailto:wentworth.paul@epa.gov>>]
Sent: Wednesday, December 13, 2017 3:02 PM
To: Mastro, Donna; Bradley, Megan; duke, gerallyn; Edward Wiener
Cc: Patrick O'Neill
Subject: RE: Philly Shipyard Call at 3 PM today Lets do it now. Ok?

From: Mastro, Donna
Sent: Wednesday, December 13, 2017 3:01 PM
To: wentworth, paul <wentworth.paul@epa.gov<<mailto:wentworth.paul@epa.gov>>>;
Bradley, Megan <Bradley.Megan@epa.gov<<mailto:Bradley.Megan@epa.gov>>>; duke,
gerallyn <duke.gerallyn@epa.gov<<mailto:duke.gerallyn@epa.gov>>>; Ed Wiener
<edward.wiener@phila.gov<<mailto:edward.wiener@phila.gov>>>
Cc: patrick.o'neill@phila.gov<<mailto:patrick.o'neill@phila.gov>>
Subject: RE: Philly Shipyard Call at 3 PM today

I have to be on train at 4. I can do it by phone if you'd like 4pm.

Donna L. Mastro | Associate Regional Counsel | Air Branch Chief | US EPA Region III
ORC | (215) 814-2777

From: wentworth, paul
Sent: Wednesday, December 13, 2017 3:01 PM
To: Mastro, Donna <Mastro.Donna@epa.gov<<mailto:Mastro.Donna@epa.gov>>>;
Bradley, Megan <Bradley.Megan@epa.gov<<mailto:Bradley.Megan@epa.gov>>>; duke,
gerallyn <duke.gerallyn@epa.gov<<mailto:duke.gerallyn@epa.gov>>>; Ed Wiener
<edward.wiener@phila.gov<<mailto:edward.wiener@phila.gov>>>
Cc: patrick.o'neill@phila.gov<<mailto:patrick.o'neill@phila.gov>>
Subject: RE: Philly Shipyard Call at 3 PM today

Gerallyn has a meeting at 3 and can't make it. Can we move it to 4? Otherwise we can do it at 3 and I'll get back to Gerallyn later.

Regards

From: Mastro, Donna
Sent: Wednesday, December 13, 2017 2:54 PM
To: Bradley, Megan <Bradley.Megan@epa.gov<<mailto:Bradley.Megan@epa.gov>>>;
wentworth, paul <wentworth.paul@epa.gov<<mailto:wentworth.paul@epa.gov>>>;
duke, gerallyn <duke.gerallyn@epa.gov<<mailto:duke.gerallyn@epa.gov>>>; Ed Wiener

<edward.wiener@phila.gov<<mailto:edward.wiener@phila.gov>>>
Cc: patrick.o'neill@phila.gov<<mailto:patrick.o'neill@phila.gov>>
Subject: RE: Philly Shipyard Call at 3 PM today

Thanks- PAT- can you share with Dennis also. I can't find his email.

Donna L. Mastro | Associate Regional Counsel | Air Branch Chief | US EPA Region III
ORC | (215) 814-2777

From: Bradley, Megan
Sent: Wednesday, December 13, 2017 2:52 PM
To: wentworth, paul <wentworth.paul@epa.gov<<mailto:wentworth.paul@epa.gov>>>; duke, gerallyn <duke.gerallyn@epa.gov<<mailto:duke.gerallyn@epa.gov>>>; Ed Wiener <edward.wiener@phila.gov<<mailto:edward.wiener@phila.gov>>>; Mastro, Donna <Mastro.Donna@epa.gov<<mailto:Mastro.Donna@epa.gov>>>
Subject: RE: Philly Shipyard Call at 3 PM today

Hi Paul,

You can use 215-814-2516 Passcode 425001.

Megan

From: wentworth, paul
Sent: Wednesday, December 13, 2017 2:51 PM
To: duke, gerallyn <duke.gerallyn@epa.gov<<mailto:duke.gerallyn@epa.gov>>>; Ed Wiener <edward.wiener@phila.gov<<mailto:edward.wiener@phila.gov>>>; Mastro, Donna <Mastro.Donna@epa.gov<<mailto:Mastro.Donna@epa.gov>>>; Bradley, Megan <Bradley.Megan@epa.gov<<mailto:Bradley.Megan@epa.gov>>>
Subject: Philly Shipyard Call at 3 PM today
Importance: High

If everyone can do a call today (I realize this is a rush) that would be great. Let me know ASAP. Megan can you give me a separate call line apart from our regular meetme line we always use at 3?

Thanks!

Paul T Wentworth, P.E.
Senior Environmental Engineer
EPA Region 3
Air Protection Division
Phone: 215-814-2183

Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom.

Viktor E. Frankl<http://www.brainyquote.com/quotes/authors/v/viktor_e_frankl.html>